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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,051	04/03/2001	Patrice Gombert	109149	9290

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EXAMINER	
CASTELLANO, STEPHEN J	
ART UNIT	**PAPER NUMBER**
3727	16

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,051	GOMBERT ET AL.	
	Examiner	Art Unit	
	Stephen J. Castellano	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14-24 and 26-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12, 14-24 and 26-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2,9* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12 14, 16, 17, 19, 21, 23, 26, 28, 32-41, 43, 44, 47, 50-54, 56, 58, 60 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasugai.

For claim 1, Kasugai discloses a method of making a tank having a wall (upper wall 3) out of thermoplastic material, the method comprising a) placing at least one insert (insert member 7 including holding plate 6, fuel pump 11, fuel cutoff valve 12, fuel injection pipe 6d and fuel level gage 13 and any associated pipes or nipples) inside an enclosure (split molds 22, 23); b) inserting the thermoplastic material inside the enclosure; and c) forming the wall of the tank by blowing (blow molding) the thermoplastic material, the insert being positioned inside the enclosure in such a manner that while the wall is being formed, the thermoplastic material covers the insert at least in part (thermoplastic material of 3a, 3b, 3c and 3d covers the insert at 11a, 12a, 13a and 6d, respectively), the insert also being configured such that the thermoplastic material forms a portion in relief (one of sleeves formed by 3a, 3b, 3c and 3d) on the inside of the tank by taking on at least part of the shape of the insert (shape of 11a, 12a, 13a and 6d, respectively), said portion in relief (one of 3a, 3b, 3c and 3d) enabling an attachment (one of 11a, 12a, 13a and 6d) to be mounted inside the tank and defining a permanent housing (one of 3a, 3b, 3c and 3d) for receiving at least a portion of said attachment.

Claim 32 is similarly anticipated. The wall (outside wall 2 consisting of upper wall 3, side wall 4 and bottom wall 5) of the tank comprising a thermoplastic layer (3) and a layer (4 or 5) that forms a barrier against hydrocarbons. Claim 26 is similarly anticipated.

For claim 50, the tank comprises a mounting member (one of 3a, 3b, 3c or 3d) on the wall (3) of the tank, said mounting member being configured for enabling an attachment to be mounted inside the tank, said mounting member not being overmolded by the wall.

For claim 61, the attachment (such as one of 11a, 12a, 13a or 6d) is mounted as step d) inside the tank by inserting at least a portion of said attachment in said permanent housing (such as 3a, 3b, 3c or 3d, respectively).

For claims 2, 33 and 51, the attachment of a pipe is disclosed by nipples 11a, 12a, 13a and 6d, the attachment of a pump is disclosed by pump 11 and the attachment of a fuel gage is disclosed by gage 13. For claims 3, 34 and 52, the attachment of a valve is disclosed by valve 12.

For claims 6, 8, 37 and 39, the housing is formed inside an annular wall (one of annular walls of split mold 22 which forms 3a, 3b, 3c and 3d).

For claim 7 and 38, the portion in relief and the permanent housing are formed by the entire outside wall 2 including the upper wall 3, side wall 4 and bottom wall 5. The housing is then formed inside an interrupted annular wall of split molds 22 and 23.

For claims 9 and 40, the portion in relief is formed by two tabs 3a and 3d and the housing being formed by 3b situated between the tabs 3a and 3d.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11, 15, 18, 20, 22, 24, 26, 27, 29-49, 55, 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasugai.

For claims 11, 18, 42 and 55, Kasugai discloses the invention except for the snap-fastening. Molding of snap-fastening portions is well known in the plastic bottle art. It would have been obvious to mold a snap-fastening portion as a matter of design choice to increase connection strength. Such snap-fastening portions are commonly formed with a radially inner surface that diverges towards the outside of the tank.

For claim 15, Kasugai discloses the invention except for the order of the steps. Steps b) and a) could have any order just as long as both steps a) and b) precede molding step c) since step b) involves a parison. It would have been obvious to have step b) precede step a) so that the parison is in position before the insert is aligned with air blowing ports of the parison.

For claim 20, Kasugai discloses that the insert and parison are the same material. It would have been obvious to make the insert of a material having a higher melting temperature than the parison so that no warpage or damage occurs to the insert during the forming process so that the insert is properly aligned and all its components functioning properly after forming.

For claims 22 and 45, Kasugai discloses the invention except for the insert being made of metal. The insert includes a fuel pump and a fuel gage. Metal parts in fuel pumps and fuel gages are well known. It would have been obvious to add metal parts to provide greater durability, greater strength and to prevent warpage or damage from the heat and forces of the forming operation.

For claim 24, Kasugai discloses the invention except for the polyethylene being high-density polyethylene (HDPE). HDPE is well known for increased strength. It would have been obvious to modify the polyethylene to be HDPE to provide greater strength for the insert.

For claims 26, 27, 32-48 and 59, Kasugai discloses the invention except for the sandwiched wall construction. Sandwiched wall construction for fuel tanks and fuel tank components is well known. It would have been obvious to provide a sandwiched construction to provide a layer that forms a heat seal in the inner and outer layers of the sandwiched construction and a layer forming a barrier against hydrocarbons in the middle of the inner and outer layers to prevent hydrocarbon leakage.

For claims 30 and 31, Kasugai discloses the invention except for the rotomolding and thermoforming or overmolding. Rotomolding and thermoforming are well known overmolding methods equivalent to blow molding. It would have been obvious to rotomold and thermoform in order to avoid the extra step of forming a parison and inserting the parison inside the mold to save manufacturing cost.

For claims 48 and 49, Kasugai discloses the invention except for the fluorination. Fluorination is well known. It would have been obvious to treat the tank to fluorination to inhibit the escape of hydrocarbons.

Applicant's arguments with respect to claims 1-12, 14-24, 26-28 and 32-61 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035. The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

S. Castellano

Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc
July 23, 2003